

**ORDER OF BUSINESS  
BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA**

**SEPTEMBER 22, 2009**

**TUESDAY  
9:30 A.M.**

**COMMISSION CHAMBERS**

**1. CALL TO ORDER**

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance

**2. AGENDA APPROVAL**

- A. Additions, Deletions, Substitutions
- B. Adoption

**WORKSHOP SESSION**

- 3. 9:30 A.M. Palm Beach County Green Task Force on Environmental Sustainability and Conservation Report (Admin)
- 4. 10:30 A.M. C-51 Reservoir Feasibility Study (WUD)
- 5. 2:00 P.M. Infill Redevelopment Overlay (PZB)

**6. REGULAR AGENDA**

6. REGULAR AGENDA

A. CLERK AND COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

B. FIRE RESCUE

1. **Staff recommends motion to approve:** a First Amendment to the Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services with the Village of Tequesta (Village). **SUMMARY:** On April 5, 2005, the Board approved a ten (10) year Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services with the Village of Tequesta (R2005-0685) to provide for a contractual commitment for dispatch services to the Village as part of the Countywide Common Dispatch program along with providing the mechanism for implementing mutual assistance/automatic aid (closest unit response). The Agreement authorized the parties' respective Fire Chiefs to enter into Letter(s) of Understanding to develop automatic aid/closest unit response plans and procedures. The parties now mutually desire to extend that term through September 30, 2021 and add Section 5 providing for primary fire rescue response by the Village to certain County geographical areas. These areas were previously served by Palm Beach County Fire Rescue Station 11, which is scheduled to close effective October 1, 2009. For the period October 1, 2009, through September 30, 2012, the County shall pay \$168,000 annually to the Village for services under Section 5. Prior to September 30, 2012, the parties shall meet to negotiate a contract amendment addressing the amount and terms of payment for the remaining duration of the Agreement. If no agreement can be made prior to September 30, 2012, Section 5 shall expire and the remainder of the Agreement will continue through September 30, 2021. District 1 (SB)

C. TOURIST DEVELOPMENT COUNCIL

1. **Staff recommends motion to approve:** an Amended and Restated Agreement (R2007-1625) with Palm Beach County Sports Commission, Inc. (the "PBCSC") for the provision of services under the County's Tourist Development Plan during the period of October 1, 2009, through September 30, 2010 in the amount of \$615,966 (Includes \$25,966 of rollover stimulus funds). This is the third year of a five (5) year agreement. **SUMMARY:** The Amended and Restated Agreement: **(A)** updates for Fiscal Year 2010 Exhibit "A" – Annual Budget; Exhibit "E"- Performance Measures; Exhibit "G" – Salary Structure; Exhibit "H" – Organizational Chart; **(B)** make certain amendments of a technical nature to the body of the contract; **(C)** Under "Personnel" language was added to "include the Executive Director of the Tourist Development Council (TDC) and the County Administrator, or his/her designee shall participate in the interview process for the PBCSC's selection of an Executive Director as voting members of any committee/task force appointed for such purposes." This will be the third year of the five (5) year agreement. Contract changes have been reviewed and approved by the TDC. PBCSC will continue to administer Category G grants totaling \$292,500 (includes \$92,500 in rollover stimulus funds) for the County. In addition indirect cost and reserves of \$469,425 are included in the budget for a total of \$1,377,891. Countywide (MC)

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**BOARD OF COUNTY COMMISSIONERS**

**BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**SEPTEMBER 22, 2009**

**PAGE ITEM**

**RECESS AS THE BOARD OF COUNTY COMMISSIONERS  
CONVENE AS THE SOLID WASTE AUTHORITY**

- 1 11:30 A.M. BOARD OF COUNTY COMMISSIONERS SITTING AS SOLID WASTE  
AUTHORITY (Separate Agenda)

**ADJOURN AS THE SOLID WASTE AUTHORITY  
RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

- 2 6C-2 **ADD-ON: Staff recommends motion to approve:** Amendment No. 2 to Agreement (R2007-1627) with Aramark Sports and Entertainment Services, Inc. to continue the provision of food and beverage services at the Palm Beach County Convention Center on a month-to-month basis up to December 31, 2009, or the selection of a new food and beverage provider. **SUMMARY:** This Amendment extends the existing agreement for food and beverages services at the Convention Center on a month-to-month basis pending the completion of the competitive selection process for a new food and beverage provider or December 31, 2009, whichever is earlier. All other terms and conditions of the original agreement remain in effect. Countywide (MC) (TDC)

- 2 6D-1 **ADD-ON: Staff recommends motion to approve:**

**A)** a License Agreement with the City of West Palm Beach (WPB); and

**B)** Purchase Orders with vendors for the Florida Power and Light (FPL) Reclaimed Water Project (Project) in the amount of \$ 4,013,649.50.

**SUMMARY:** On May 20, 2008, the Board of County Commissioners (BCC) approved a Reclaimed Water Agreement (R2008-0906) with FPL to supply reclaimed water for the West County Energy Center (Center). On September 15, 2009, the Board deferred the West Palm Beach (WPB) License Agreement and Purchase Order to the October 6, 2009 meeting. However, in order to maintain the project schedule and prevent delay claims by the contractors these two (2) items need to move forward. The Army Corps of Engineers issued a wetland permit for the construction of the reuse pipeline in the area covered by the WPB license. The permit only allows construction in the wetland areas between June and December because of the nesting of the endangered Snail Kite. Delay claims in the amount of \$8,000 per day may be applicable should the contractor not be able to begin construction on this portion of the project immediately. The construction of the pipeline to deliver reuse water from the East Central Regional Wastewater Reclamation Facility (ECRWWF) to the Center requires the acquisition of a license from WPB. The form of the License Agreement with WPB was approved by the Board on May 20, 2008 (R2008-0908). While the Palm Beach County Water Utilities Department (WUD) may accept standard easements in accordance with its Uniform Policies and Procedures Manual, these easements/licenses contain modifications to the Standard Easement Form and/or require separate agreements between the parties, and are therefore being brought to the Board for approval. FPL competitively bid the Project components. FPL entered into a construction contract with Felix

2 6D-1

**SUMMARY (Cont'd):**

Associates, LLC for construction of the reclaimed water pipeline from the ECR through WPB property to the M-1 Canal on Okeechobee Blvd. The Contractor selected the vendors for the materials and equipment during the bidding process. The Reclaimed Water Agreement (R2008-0906) with FPL requires the County to procure materials for the construction of the Project. Florida Statute Section 212.08(6) and Florida Administrative Code Rule 12A-1.094 provides for an exemption of sales tax if the purchaser is a governmental entity. By purchasing materials and equipment directly from the vendors listed in the Purchase Orders, total sales tax savings of \$240,868.97 can be achieved. FPL will reimburse the County the total cost of the Purchase Orders. The County Attorney's Office has submitted a Technical Assistance Advisement request to the Florida Department of Revenue to confirm eligibility for sales tax exemption. If the State of Florida determines the project is not eligible for sales tax exemption, then FPL will pay the cost of the sales tax. (WUD Project No. 08-031) District 6 (MJ) (WUD)

2 6E-1

**ADD-ON: Staff recommends motion to approve:**

**A)** Employee Interchange Agreement (Agreement) with the U.S. Army Corps of Engineers (COE) in an amount not-to-exceed \$175,000 to fund a COE staff position dedicated to reviewing County permit applications through September 30, 2010;

**B)** Budget Transfer of \$70,000 in the Road Impact Fee – Zone 3 from Reserves to Agreement with the COE on behalf of Engineering and Public Works Department; and

**C)** Waiver of advance payment prohibition cited in County Policy and Procedure Memorandum No. CW-F-049 for this Agreement.

**SUMMARY:** Proposed is a one (1) year extension of an existing two (2) year Agreement with the COE which expires September 30, 2009. User Departments have indicated a significant benefit from the existing Agreement during the last two (2) years. Airports, Engineering & Public Works, Environmental Resources Management and Water Utilities all cite time and cost savings as well as making grant application deadlines that otherwise may have been missed as benefits of the existing Agreement. The County is required to advance the estimated salary cost associated with the Agreement. Typically, an advance is not authorized by County contracts. However, staff is seeking a Board waiver of this policy because these permitting services are deemed necessary for County business, and the Agreement mitigates risk of loss by requiring periodic reconciliations. For this Agreement extension, the first payment is prorated for the period ending December 31, 2009. Currently, the COE's authority to accept funds expires on that date. It is anticipated that the COE's authority will be extended. A second payment would then be made to carry the Agreement through to September 30, 2010. Should the COE's authority not be extended, the Agreement will expire on December 31, 2009. The Agreement may be renewed annually. Countywide (SF) (ERM)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).